

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

EDWARD J. RICINO,

Plaintiff,

v.

NANCY BERRYHILL,  
*Acting Commissioner of Social  
Security,*

Defendant.

No. 4:18-CV-00165

(Judge Brann)

(Magistrate Judge Susan E. Schwab)

**ORDER**

**MARCH 27, 2019**

Plaintiff filed the instant action on January 23, 2018, and it was jointly assigned to the undersigned and to a magistrate judge. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.” Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.

On February 8, 2019, Chief Magistrate Judge Susan E. Schwab, to whom this matter is jointly assigned, issued a thorough report and recommendation recommending that the case be remanded to the Commissioner.

No objections to the report and recommendation have been filed. For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Regardless of

whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error.

**AND NOW, IT IS HEREBY ORDERED** that:

1. Chief Magistrate Judge Susan E. Schwab's February 8, 2019 Report and Recommendation, ECF No. 13, is **ADOPTED in full**.
2. The decision of the Commissioner of Social Security is **VACATED and REMANDED**.
3. Final Judgment is entered in favor of Plaintiff and against Defendant pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g).
4. The Clerk is directed to **CLOSE** the case file.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann  
United States District Judge